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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/546,502	04/11/2000	Michael L. Denby	4045-A2	4775

7590

12/02/2002

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EXAMINER

ROWAN, KURT C

ART UNIT

PAPER NUMBER

3643

DATE MAILED: 12/02/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/546,502

Applicant(s)

DENBY

Examiner

KURT ROWAN

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Sep 17, 2002
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3 and 37-41 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3 and 37-41 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____ 6) ☐ Other:

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DETAILED ACTION

Claim Rejections - 35 U.S.C. § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Drosdak '652 in view of McMahon for substantially the same reasons stated in the last Office Action.

The patents to Drosdak and McMahon show fishing line and lure connectors. Drosdak shows a line connector having a body 7 having a receptacle or socket 9 having inwardly directed extensions 10. Drosdak shows the body is capable of receiving the end segment of fishing line 6. Drosdak shows a coupler 8. Drosdak shows a first open end leading to a receptacle and a second opposing end. The patent to McMahon shows a connector having a body *a* and a coupler *b* attached to the body that is capable of engaging and supporting a fishing lure *B*, *C*. The coupler is comprised of a pair of resilient hooks disposed in an overlapping state forming a continuous loop in which the lure part is engagable to the coupler by forcing the hooks apart. In reference to claims 1-3, 37, it would have been obvious to provide Drosdak with a coupler as shown by McMahon since merely one equivalent mechanical coupler is being substituted for another. The

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hooks would be attached to the second end of the body. Drosdak shows the extensions positioned at spaced intervals along substantially the entire length of the receptacle and also shows the extensions being directed away from an open end of the body.

3. Claims 38-41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Drosdak '642 in view of Drosdak '767 for substantially the same reasons stated in the last Office Action. The patents to Drosdak show fishing line and lure couplers. Drosdak '642 has been discussed above and shows a first open end leading to a receptacle and an opposing second end. Drosdak '767 shows a coupler attached to a body 10-12, the coupler comprises a pair of opposing plates 14, 14' which are biased together and prongs 18, 20 carried by and between the plates capable of securing a hook eye of a lure. In reference to claims 38, it would have been obvious to provide Drosdak '642 with a coupler as shown by Drosdak '767 since merely one mechanically equivalent coupler is being substituted for another and the function is the same. In reference to claims 39-40, see the rejection of claims 2-3, above. In reference to claim 41, Drosdak '642 as modified by Drosdak '767 shows the pair of plates extending away from an open end of the body.

Response to Arguments

4. Applicant's arguments filed September 17, 2002 have been fully considered but they are not persuasive. Applicant argues that the threaded female socket 8 is not a coupler. The socket is a coupler since fishing line or leader 1 having an end 2 mounts in the socket. Hence the socket

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couples with the fishing line and can be referred to as a “coupler”. In McMahon, body a is a shank as disclosed in line 47 of page 1. Coupler b of McMahon can be considered as a pair of hooks since one layer of the coil forms a closed circle which is the a closed hook and the other layer of the coil forms a second open hook. The specification of the present invention does not preclude this interpretation since the hooks are not defined precisely. In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, the motivation is generally available to one of ordinary skill in the art. As to claim 37, applicant should recite more structure of the plates which are substantially planar and parallel to each other with the end of the plates opposite to the receptacle being wider than the portion of the plates that joins to the receptacle while Drosdak shows plates of a complex rounded or circular shape. Also, see the discussion above about combining the references.

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Conclusion

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

6.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **KURT ROWAN** whose telephone number is (703) 308-2321.

The examiner can normally be reached on Monday-Thursday from 6:30 a.m. to 5:00 p.m.

The fax phone number for the organization where this application or proceeding is assigned is (703) 306-4195 or (703) 305-3597.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

A handwritten signature in black ink that reads "Kurt Rowan". The signature is written in a cursive, slightly slanted style.

KURT ROWAN

PRIMARY EXAMINER

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December 1, 2002